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Sixtieth session

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## Fifth Committee

**Summary record of the 32nd meeting**
Held at Headquarters, New York, on Friday, 16 December 2005, at 3 p.m.

*Chairman*: Mr. Muhith (Vice-Chairman) ..... (Bangladesh)
*Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions*: Mr. Saha

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Agenda item 123: Programme budget for the biennium 2004-2005 (*continued*)

*Provision of conference services* (*continued*)

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*In the absence of Mr. Ashe (Antigua and Barbuda), Mr. Muhith (Bangladesh), Vice-Chairman, took the Chair.*

*The meeting was called to order at 5.45 p.m.*

**Agenda item 123: Programme budget for the biennium 2004-2005** (*continued*)

*Provision of conference services* (*continued*) (A/C.5/60/L.10)

1. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, recalled that, immediately prior to the adjournment of the 31st meeting, she had indicated that a compromise had been reached on the draft decision on the provision of conference services (A/C.5/60/L.10) and that the Group of 77 and China viewed the new proposal in a positive light. In addition, the Office of the President of the General Assembly had confirmed that, once the Committee had agreed on the number of additional meetings it required, the Chairman could submit a request for the relevant conference services. However, since the Committee had failed to reach agreement on that issue, she intended to proceed with the introduction of the original proposal.

2. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, said that the European Union, in conjunction with a number of other delegations, had prepared an alternative draft decision on the provision of conference services which would enable the Committee to hold two additional meetings on Saturday, 17 December 2005. If the draft, an informal text of which was currently being circulated, was acceptable, he was prepared to take action on it immediately.

3. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, reiterated her intention to proceed with the introduction of the original draft decision.

4. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union and supported by **Mr. Garcia** (United States of America), **Mr. Elnaggar** (Egypt) and **Mr. Iosifov** (Russian Federation), requested a brief suspension of the meeting.

5. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that, while she did not wish to block efforts to reach a compromise, action must be taken on the draft decision before the meeting was adjourned.

6. **Mr. Elji** (Syrian Arab Republic) said that he did not object to suspending the meeting but reminded all delegations that time was money. The extension of conference services beyond 6 p.m. did not require the adoption of a formal decision; the Under-Secretary-General for General Assembly and Conference Management could authorize such extensions.

7. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, pointed out that he had requested a suspension in order to hold consultations on the proposal submitted by the Group of 77 and China and not in order to waste time.

*The meeting was suspended at 5.55 p.m. and resumed at 6.15 p.m.*

8. **Mr. Garcia** (United States of America) said that, since there had been no agreement to extend conference services beyond 6 p.m., his delegation wished to request the immediate adjournment of the meeting.

9. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that she was not prepared to agree to adjourn the meeting. She requested an extension of conference services.

10. **Mr. Mazumdar** (India), **Ms. Noman** (Yemen) and **Mr. Debabeche** (Algeria) expressed their support for the request made by the representative of Jamaica on behalf of the Group of 77 and China.

11. **The Chairman** drew the Committee's attention to rule 118 of the rules of procedure of the General Assembly, according to which motions to suspend or adjourn the meeting should not be debated but should be immediately put to the vote.

12. **Mr. Elji** (Syrian Arab Republic), speaking on a point of order, said that motions to suspend or adjourn should be supported by two representatives in addition to the proposer.

13. **Mr. Abelian** (Secretary of the Committee) pointed out that, in accordance with rules 116 and 117 of the rules of procedure, motions to adjourn or close the debate on the item in question could be supported by two representatives. However, pursuant to rule 118, a motion to suspend or adjourn the meeting should not be debated but should be immediately put to the vote.

14. **Ms. Buergo Rodríguez** (Cuba) expressed her regret at the situation facing the Committee, which had arisen because of the Committee secretariat's failure to give neutral advice on a simple procedural matter.

15. **Mr. Chungong Ayafor** (Cameroon) recalled that the representative of the United States had requested the adjournment of the meeting on the ground that there had been no agreement to extend conference services beyond 6 p.m. The Secretariat should confirm that that was indeed the case.

16. **Mr. Garcia** (United States of America) asked the Secretariat to clarify whether or not there was agreement to extend conference services.

17. **Ms. Lewis** (Chief of the Central Planning and Coordination Service of the Department for General Assembly and Conference Management) said that the Department for General Assembly and Conference Management had been notified of the request for an extension of conference services for the Fifth Committee and for the plenary of the General Assembly. The services currently being used by the Fifth Committee actually belonged to the General Assembly plenary, which had a standing authorization to hold night meetings. There was currently no authorization for the Fifth Committee to meet beyond 6 p.m. but, given that it was likely to proceed to a vote, the services currently in the room would not be withdrawn.

18. **Mr. Garcia** (United States of America) said that, even though there had been no agreement to make conference services available to the Fifth Committee beyond 6 p.m., he was willing to withdraw his request for the adjournment of the meeting.

*The meeting was suspended at 6.40 p.m. and resumed at 6.55 p.m.*

*Draft decision A/C.5/60/L.10*

19. **Ms. Taylor Roberts** (Jamaica), introducing draft decision A/C.5/60/L.10 on behalf of the Group of 77 and China, said that, following informal consultations, it had been decided to revise the original text. The draft decision should consequently begin: "The General Assembly decides to provide full conference services to the informal consultations of the Fifth Committee ...".

20. **The Chairman** indicated that the sponsors of draft decision A/C.5/60/L.10 had not complied with rule 120 of the rules of procedure of the General Assembly, according to which proposals could not be discussed or put to the vote at a meeting of the Committee unless they were circulated to all delegations no later than the day preceding that meeting.

21. **Mr. Belov** (Office of Programme Planning, Budget and Accounts), providing an oral statement of the programme budget implications of the draft decision, in compliance with rule 153 of the rules of procedure of the General Assembly, said that the Secretariat understood that the Fifth Committee's intention was to be able to hold informal consultations, in three-hour blocks with full conference services, from the date of adoption of the decision until the end of the main part of the current session of the General Assembly. The estimated cost for a three-hour meeting with full services, including interpretation in the six official languages and conference and common support services, was $14,300. The estimated cost for a three-hour meeting with limited services, which would exclude interpretation, was $2,850.

22. Information received from the delegations concerned indicated that, in addition to the meeting services already programmed for the Committee during the main part of the sixtieth session, there was a potential requirement of up to 15 meetings with full services, and 15 meetings with limited services, for informal consultations of the Fifth Committee after regular working hours and on weekends. On that basis, the total cost of additional meetings could reach $257,200.

23. It should be noted in that connection that conference servicing capacity at Headquarters could accommodate one morning meeting and one afternoon meeting per day on weekends, and one additional meeting between 6 p.m. and 9 p.m. on weekdays. The additional workload associated with the potential number of additional meeting therefore exceeded the available conference servicing capacity, giving rise to a need for additional freelance staff whose availability at short notice could not be guaranteed.

24. As the estimated additional costs of $257,200 were not within the programme budget for the biennium 2004-2005, the actual cost of conference services provided by the Secretariat would be given in the second performance report on the programme budget for the biennium.

*The meeting was suspended at 7.05 p.m. and resumed at 7.20 p.m.*

25. **Mr. Saha** (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, as the Secretariat representative had indicated, the conference services described in draft decision A/C.5/60/L.10, as orally revised, would give rise to expenditure in excess of provisions in the programme budget for the biennium. The Advisory Committee saw no reason to object to the Secretariat's costing of full conference services, and took the view that it was for the General Assembly to decide whether the additional expenditure should be considered in the context of the second performance report on the programme budget for the biennium 2004-2005.

26. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, and recalling that draft decision A/C.5/60/L.10 had been circulated to delegations only that morning, said that the Group wished to request a waiver of rule 120 of the rules of procedure of the General Assembly, owing to the urgency of the situation and the need for the Committee to complete its business as rapidly as possible.

27. **The Chairman** invited comments on the request made by the representative of Jamaica on behalf of the Group of 77 and China.

28. **Mr. Garcia** (United States of America) said that he had received no copy of the draft decision in advance of the current meeting. Furthermore, he asked when the main part of the sixtieth session would end, as the draft decision would make conference services available for informal consultations of the Committee until that date.

29. **Mr. Abelian** (Secretary of the Committee) said that a proposal was deemed to have been circulated if it was translated into all the official languages and was made available to delegations for collection at document-distribution locations, was delivered to them or was posted on the Official Document System (ODS). Rule 120 was not specific as to the method of distribution, and had been adopted before ODS had come into existence, but it was specific as to the one day that must elapse between the proposal's availability and its being discussed or put to the vote.

30. The last day of the main part of the sixtieth session of the General Assembly was 22 December 2005.

31. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, and **Mr. Garcia** (United States of America) said that they were not in favour of waiving rule 120 of the rules of procedure of the General Assembly.

32. **Mr. Elji** (Syrian Arab Republic) asked the Secretariat to indicate what procedure applied if one or more delegations opposed a waiver of rule 120.

33. **Mr. Abelian** (Secretary of the Committee) said that, pursuant to the rules of procedure of the General Assembly, action must be taken on a request for a waiver of rule 120. Accordingly, members of the Committee opposing the waiver were in effect moving that no action should be taken on the request and that debate on the item should be adjourned. Rule 116 therefore applied: two statements for, and two statements against, the motion were permitted, after which the motion must be put to the vote.

34. **Mr. Elnaggar** (Egypt), supported by **Mr. Mazumdar** (India), **Mr. Tal** (Jordan), **Mr. Garcia** (United States of America), **Mr. Elji** (Syrian Arab Republic) and **Ms. Buergo Rodríguez** (Cuba), requested clarification as to which matter was being put to the vote, in order to avoid mistakes during the voting procedure.

35. **Mr. Longhurst** (United Kingdom) wondered why the European Union's opposition to the request of the Group of 77 and China for a waiver of rule 120 was being interpreted as a motion for no action or a motion to adjourn the debate pursuant to rule 116. The European Union was not seeking adjournment of the debate, but rather adherence to the 24-hour rule, to allow enough time to consider the proposal.

36. **Mr. Abelian** (Secretary of the Committee) explained that, although the Organization and its Member States frequently spoke of motions for no action, such motions were nowhere mentioned in the rules of procedure of the General Assembly. In referring to motions for no action, the Organization and Member States were simply referring to the adjournment of debate on a given item, as described in rule 116.

37. **Ms. Soni** (Canada) said that, on the basis of its experience in the First Committee, her delegation

believed that opposition to a waiver of rule 120 did not automatically lead to a motion for adjournment of the debate and a consequent vote, but rather to a 24-hour delay. It requested further clarification, and if possible a legal opinion, on the matter.

38. **Mr. Elnaggar** (Egypt), supported by **Mr. Elji** (Syrian Arab Republic), said he agreed that failure to distribute proposals sufficiently in advance, and subsequent requests for a waiver of rule 120, did not automatically lead to a vote for adjournment of the debate. He in fact believed that, if a vote took place, it was on whether or not the waiver should be granted.

39. **Mr. Abelian** (Secretary of the Committee) said that no representative of the Office of Legal Affairs was present in the room. The Fifth Committee was master of its own procedures, and could take what action it wished. The only guidance he could offer was based on the rules of procedure, which provided only for adjournment or closure of the debate on a given item, or for suspension or adjournment of the meeting.

40. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China and supported by **Ms. Bahemuka** (Kenya) and **Mr. Elnaggar** (Egypt), reiterated the Group's request that rule 120 of the rules of procedure of the General Assembly should be waived.

41. *A recorded vote was taken on the proposal to waive rule 120 of the rules of procedure of the General Assembly.*

*In favour*:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining*:

Bosnia and Herzegovina, France, Monaco, Russian Federation.

42. *The proposal to waive rule 120 was adopted by 80 votes to 34, with 4 abstentions.**

43. **The Chairman** invited the Committee to take action on the draft decision contained in document A/C.5/60/L.10, as orally revised.

44. **Mr. Garcia** (United States of America) requested a recorded vote on the draft decision.

45. **Mr. Simancas** (Mexico), speaking in explanation of vote before the voting, said that he intended to vote in favour of the draft decision but because it upheld the principle of multilingualism and because he was convinced of the need to give equitable treatment to all items on the agenda of the General Assembly. Indeed, the recent abandonment of that practice was the reason for the current difficulties facing the Fifth Committee.

46. Ideally, the Committee would have adopted the draft decision without a vote, but it was important to ensure that a lack of consensus did not amount to a de facto veto. His delegation was therefore prepared to resort to voting where necessary, but regretted that a vote had been required on the matter currently before the Committee.

47. **Mr. Elji** (Syrian Arab Republic), speaking in explanation of vote before the voting, said that he believed in the principle of multilingualism. Although he regretted that it had been necessary to resort to a vote, the draft decision must be adopted if the

* The representative of Botswana subsequently informed the Committee that he had accidentally voted on behalf of Bosnia and Herzegovina.

Committee was to have sufficient time to conclude its discussions on the proposed programme budget and the reform measures. He therefore urged all delegations to vote in favour of its adoption.

48. *A recorded vote was taken on draft decision A/C.5/60/L.10, as orally revised.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Morocco, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

49. *The draft decision, as orally revised, was adopted by 81 votes to 34.**

50. **Mr. Garcia** (United States of America) expressed his disappointment at the action taken by the Committee.

51. **Mr. Yoo** Dae-jong (Republic of Korea) said that his delegation's vote had reflected its support for the Committee's customary method of work, which was to reach decisions by consensus. That method of work remained valid.

52. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, said he regretted that the Committee had resorted to a vote. Reconciling differences by putting forward proposals while efforts were still under way to seek a consensus was an unfortunate approach which went against the practice of the Committee. The European Union nevertheless hoped that all delegations would join it in undertaking to make progress on all issues as rapidly as possible.

53. **Mr. Iosifov** (Russian Federation) said he regretted that a vote had been taken. That did not encourage productive debate on the issues before the Committee, and had not been the preference of his delegation, which had believed until the last minute that a consensus could be reached. However, it had voted in favour of the draft decision in order to preserve the availability of conference services at an important stage in the Committee's work, and to preserve equality between the Organization's official languages. It urged the Committee to avoid consuming all the resources made available through the draft decision.

54. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, expressed deep regret at the action which the Committee had been forced to take, in a departure from its usual practice. Ever since the Group had first requested additional conference services two days previously, the coordinator of consultations on the issue had worked hard to develop a compromise, which the Group had accepted even though it fell short of its expectations. Those efforts, which the President of the General Assembly had also encouraged, had been met by an unfortunate and obstinate refusal.

55. **Ms. Stevens** (Australia) said that her delegation joined others in regretting the action just taken, but hoped that productive negotiations would follow. In that connection, she wondered how much longer the Committee would have access to conference services that evening.

* The representatives of Indonesia and the Bolivarian Republic of Venezuela subsequently informed the Committee that they had intended to vote in favour of the draft decision.

56. **Mr. Garcia** (United States of America) said that he wished to urge delegations to portray recent events accurately when they reported back to their capitals. The account he had just heard did not match his own recollection. In an attempt to arrange conference services for informal consultations on Saturday, 17 December 2005, wide-ranging discussions — encompassing the Group of 77 and China and others — had been conducted to draft a suitably worded proposal. That proposal had been rejected.

57. **Mr. Kozaki** (Japan) said that his delegation deeply regretted that the Committee had resorted to a vote, since that practice conflicted with the provisions of General Assembly resolution 41/213.

58. **Ms. Lock** (South Africa), expressing continued support for the principle of consensus that had always been the basis for the Committee's work, said that her delegation had voted in favour of the draft decision because of its concern that many issues had not yet been taken up. It would work with other delegations to ensure that all remaining decisions were adopted by consensus and as rapidly as possible. In that connection, it appealed to the Bureau to prepare a programme of work that would enable the Committee to make full use of the conference services available to it until the end of the session. It would also like to know whether a plenary meeting of the General Assembly was imminent.

59. **Ms. Buergo Rodriguez** (Cuba) said that her delegation could vouch for the accuracy of the description of events just given by the representative of Jamaica on behalf of the Group of 77 and China. The Committee secretariat, in failing to provide clear procedural advice since early that morning, had been responsible for the current unfortunate and avoidable situation. Her delegation had voted in favour of the draft decision because of the complicated situation facing the Committee, which should work diligently in an atmosphere of constructiveness, transparency and equal treatment between delegations to conclude the work before it.

60. **Mr. Elnaggar** (Egypt) said that his delegation was firmly committed to the principle of consensus and supported the statement of the representative of Jamaica on behalf of the Group of 77 and China regarding the day's events. Regretting that the Group had been forced to resort to a procedural decision in order to secure meeting time for the substantial volume of work still before the Committee, his delegation had voted in favour of the draft decision. It hoped that all remaining decisions could be reached by consensus, the established working method of the Committee, and wondered when it could expect the next plenary meeting of the General Assembly to begin.

61. **Mr. Abelian** (Secretary of the Committee) said that he had been informed that the plenary meeting of the General Assembly would begin 10 minutes after the meeting of the Fifth Committee was adjourned.

*The meeting rose at 8.20 p.m.*